

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: 255 West 6th Street – Thomas & Josephine Silvey, applicant; Request for 1) a front yard setback variance from 20 feet to 15 feet and 2) a rear yard setback variance from 15 feet to 7.5 feet for a proposed single story home in R-1 (Single Family Dwelling District).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 12/3/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a front yard setback variance from 20 feet to 15 feet and 2) a rear yard setback variance from 15 feet to 7.5 feet for a proposed single story home in R-1 (Single Family Dwelling District); or
2. **Approve** the request for 1) a front yard setback variance from 20 feet to 15 feet and 2) a rear yard setback variance from 15 feet to 7.5 feet for a proposed single story home in R-1 (Single Family Dwelling District); or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Thomas & Josephine Silvey Location: 255 West 6 th Street Zoning: R-1 (Single Family Dwelling District) Subdivision: (Sub Name, if applicable)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a new single family home to replace the existing single family home. The new home will encroach 5 feet into the required 15-foot front yard setback and 7.5 feet into the required 15-foot rear yard setback. • In 1983, variances were granted for front (to 15 feet) and rear yard (to 15 feet) setbacks. • The applicant has submitted letters of support from several neighbors. • There are currently no code enforcement or building violations for this property.

STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the single family residence as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
 - Aerials, *if warranted*
 - Plat, *if warranted*
 - Code Enforcement information
 - Building Permit information
 - Correspondence
 - Authorization letter
 - Supporting documentation
 - Letters of support
 - HOA approval letter
 - Pictures provided by applicant
 - Other miscellaneous documents
-
- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

Application # BU 2007-139
Meeting Date 12/3/07



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Thomas N. SILVEY & Josephine P. SILVEY
Address: 255 W. 6th street City: Chuluota Zip code: 32766
Project Address: 255 W. 6th street City: Chuluota Zip code: 32766
Contact number(s): home 407-977-5936, FAX: 407-977-3776, cell: 407-257-
Email address: Tom.SILVEY@siemens.com; Joey.SILVEY@bellsouth.net/5936

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe: <u>Demolish existing house & REBUILD NEW home</u>
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request? <u>Based on VARIANCE</u>			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input checked="" type="checkbox"/> Front yard setback	Required setback:	<u>20 Ft</u>	Proposed setback: <u>15 Ft (North)</u>
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>15 Ft</u>	Proposed setback: <u>7.5 Ft (South)</u>
Side yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Josephine Silvey

FOR OFFICE USE ONLY

Date Submitted: 10/11/07 Reviewed By: DG
 Tax parcel number: 21-21-32-5CF-5300- Zoning/FLU B-1
 Legally created parcel (1971 tax roll, 5-acre dev, lot split) 4000
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

VARIANCE APPLICATION - DECEMBER 3, 2007

Parcel Number: 21-21-32-5CF-5300-0040

Mr. and Mrs. Thomas N. Silvey, 255 W. 6th Street, Chuluota Fl 32766

HARDSHIP CASE SUMMARY

Background:

This property is located in Chuluota, 2 blocks below SR 419 and 6th street West, below Langford Drive, on the last lot facing the lake (south of ROW). There is an existing house on lot 4, which was built in 1984. The property was purchased in May 2005 from Mr. and Mrs. Yates as a part of a package consisting of lots 3, 4, 8, and lots 9 through 12. The package also included a vacate order that would vacate the 6th Street ROW between lots 4 and lots 9-12.

Hardship Summary:

Mid 2006, we started working on the vacate conditions and had to make some changes that required a new Vacate application (recorded early 2007). Several changes were required by Seminole County, which created part of the hardship.

- Hardship Variable #1: only 35 ft portion of the 50 ft vacate was granted. We had to present our house plans and size to BOCC in order to make that determination. The setbacks were not considered in the vacate reduction.
- Hardship Variable #2: ROW vacate was 20 ft shorter creating a cornered lot line (see survey).

In 2006, the owners of lot 5 stated they could not build their house due to a mistake that was made in the driveway Quit Claims. Although they were duly signed and recorded, they were not to her understanding.

- Hardship Variable #3: Returning driveway to original location separating lot 3 and 4

January 2007 House Design process begins – issues emerge which require Seminole County confirmation of Setbacks, High Mean Water Elevations, etc. We receive a letter April 13, confirming setbacks specific to Lot 4 and 9. Every effort was made to stay within the setback requirements.

- Hardship Variable #4: The County Letter discloses that there are two variances on the existing home. This allowed the house to be oriented East-West instead of North-South. The new house design is within the setback requirements for an East-West Orientation. Changing the house orientation to fit the lot orientation creates hardship #4 – we would need to scrap the house plans and start all over, doubling our design expenses.
- Hardship Variable #5: All of the waterfront houses on the lake have the back to the house to the lake, including the houses on either side of our planned house (lot 5 house-completed, and lot 9 House- in permitting process both have an East-West orientation). Adhering to the lot orientation in this specific case would create an eyesore, be out-of-place, and create privacy issues.

The house design was developed with many consultations with the county due to the Vacate, which made the interpretation difficult. We requested a confirmation of setbacks specifically for lots 4 and 9, which were received in a letter dated 4/17/07. The house design was based on these assumptions.

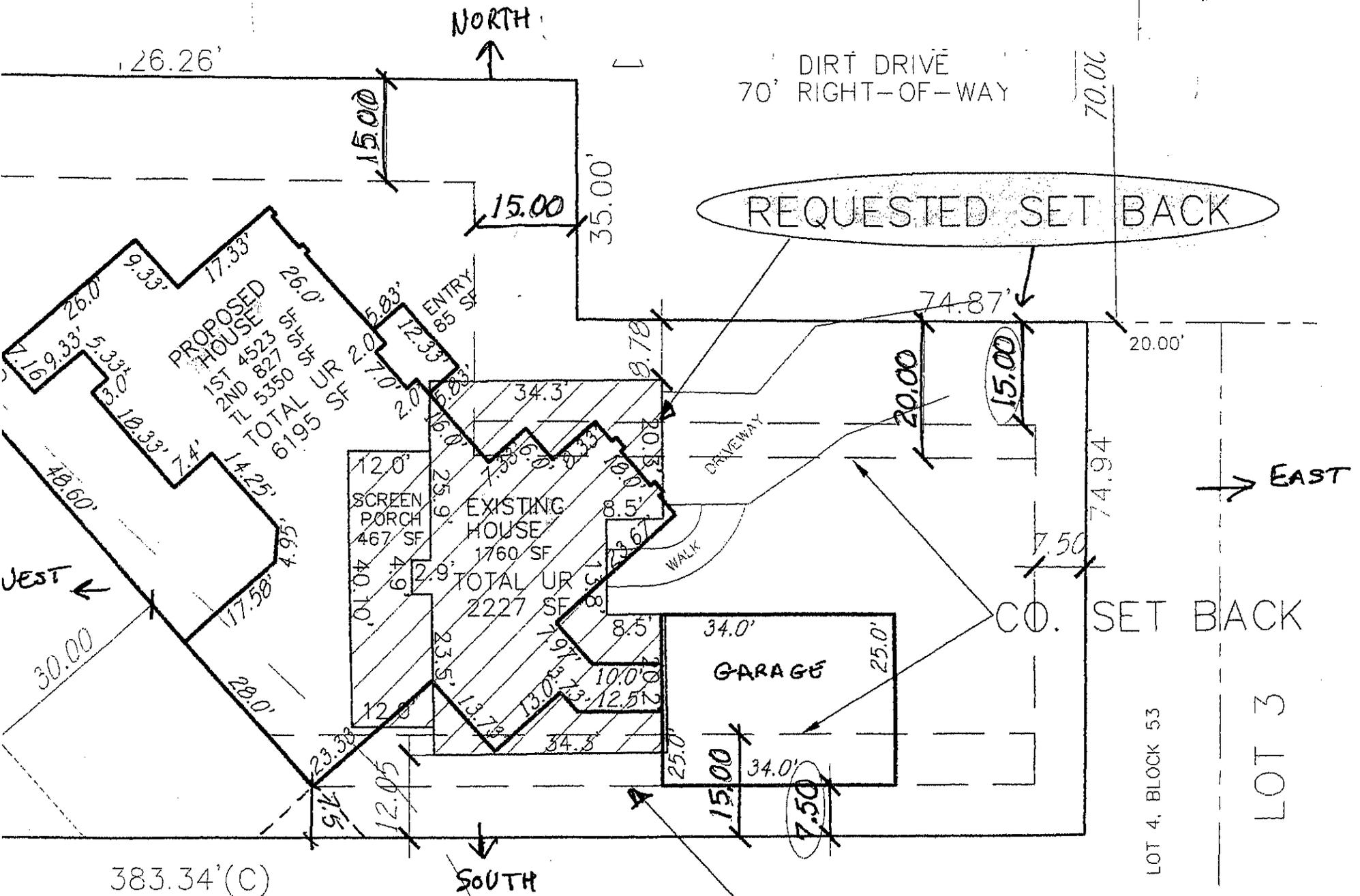
- The assumption was that Lot 4 was a “corner lot”, allowing for either an East-West or North-South orientation. We selected the desirable East-West orientation and kept the footprint of the house within the setbacks dictated by this orientation.

In a letter received from the County on 9/13/07, the corner lot designation was changed to a standard lot designation, thus changing the house orientation and associated setbacks; as a result, the house design no longer meets County requirements.

We have lost a great deal in the various transactions, opportunity, time and money.

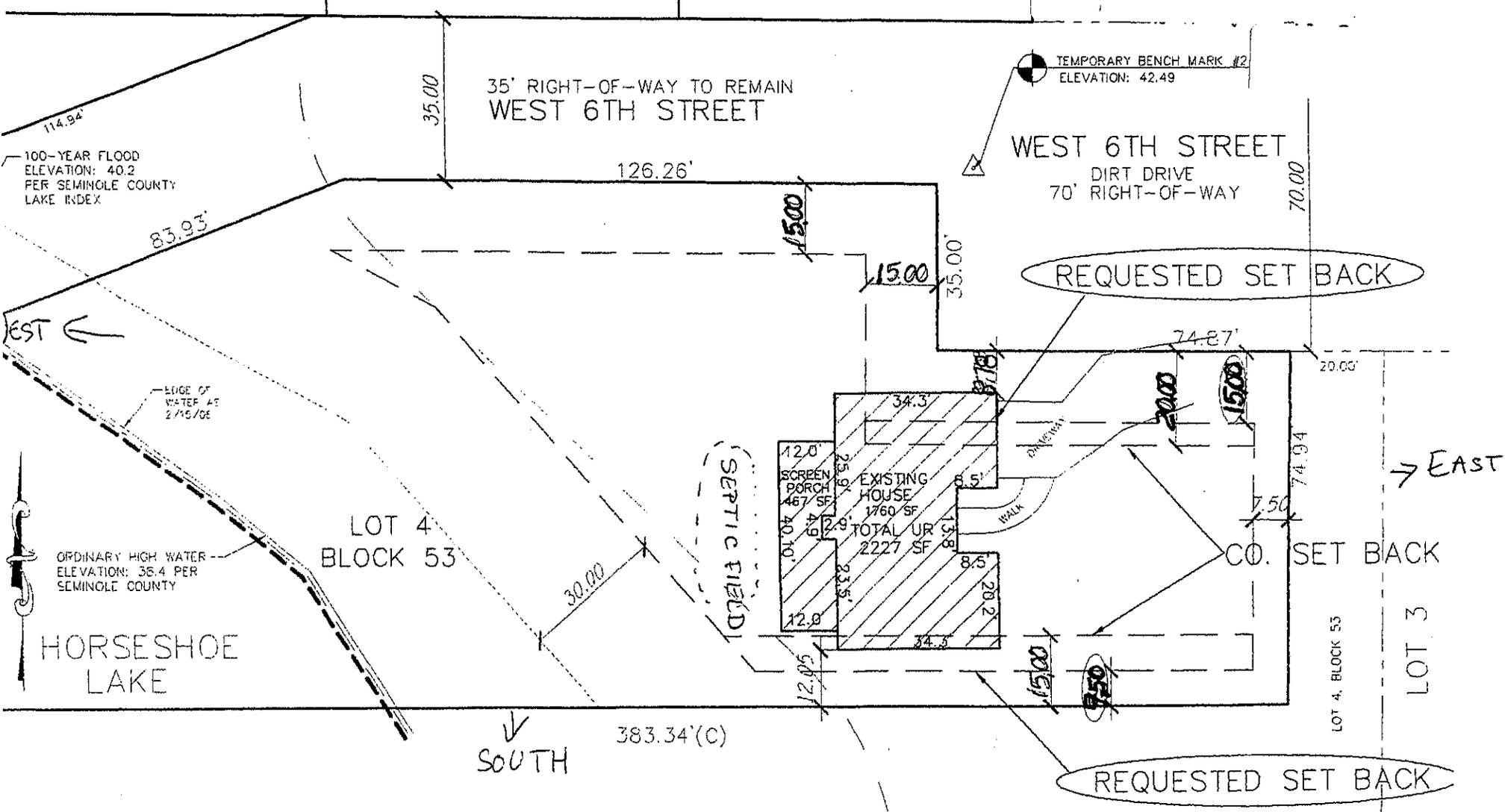
1. We had to absorb the mistakes made by others which created our hardship
2. The physical characteristics of the lot do not lend themselves to a North-South House Orientation.
3. The existing house floods routinely from the storm water run-offs from SR 419 along 6th street
4. We have had our furniture in storage for 2.5 years due to the vacate and setback issues, at a cost of \$400a month
5. We planned the house with elderly parents in mind, and due to illness the need has become very urgent

We hope the Board of Adjustments will consider these hardships and grant us the variances we require to move forward with the construction of our home. Thank you for your time and consideration.



APRIL 17, 2007 COUNTY SETBACKS &
 REQUESTED VARIANCE OCT 10, 2007 SETBACKS
 EXISTING & PROPOSED HOME
 WITH DIM & SQ. FT.

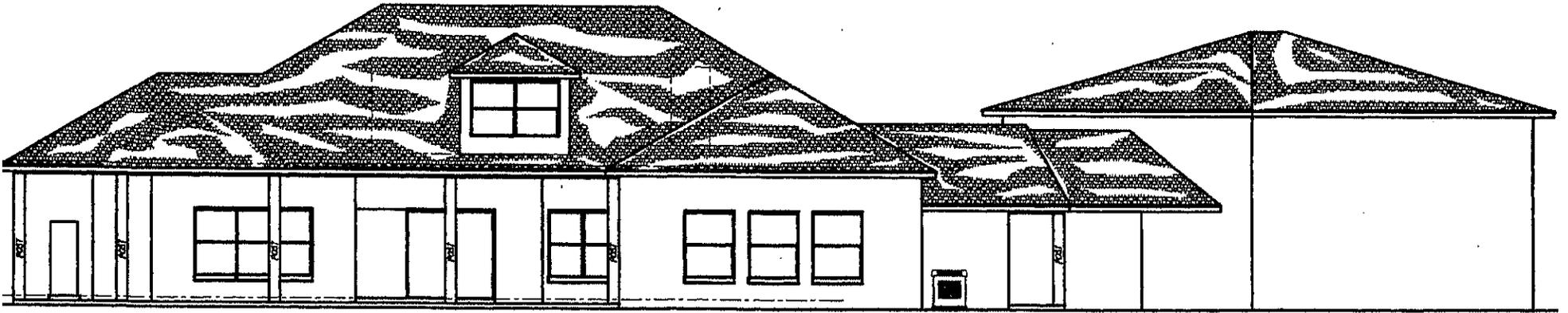
NORTH
↑



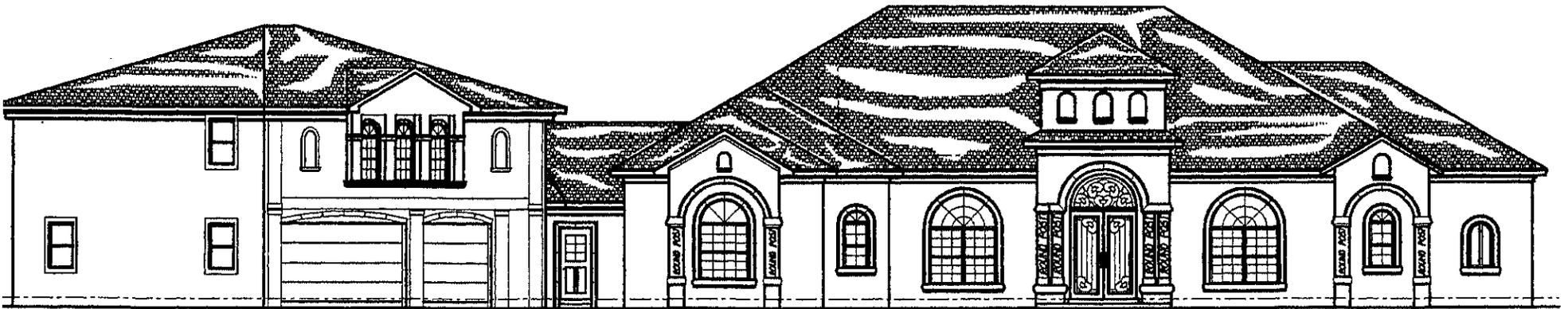
APRIL 17, 2007 COUNTY SETBACKS &
REQUESTED VARIANCE OCT 10, 2007 SETBACKS
EXISTING HOME (LOT 4)
WITH DIM & SQ. FT.

LOT 5 HOUSE
← ORIENTATION →
EAST - WEST

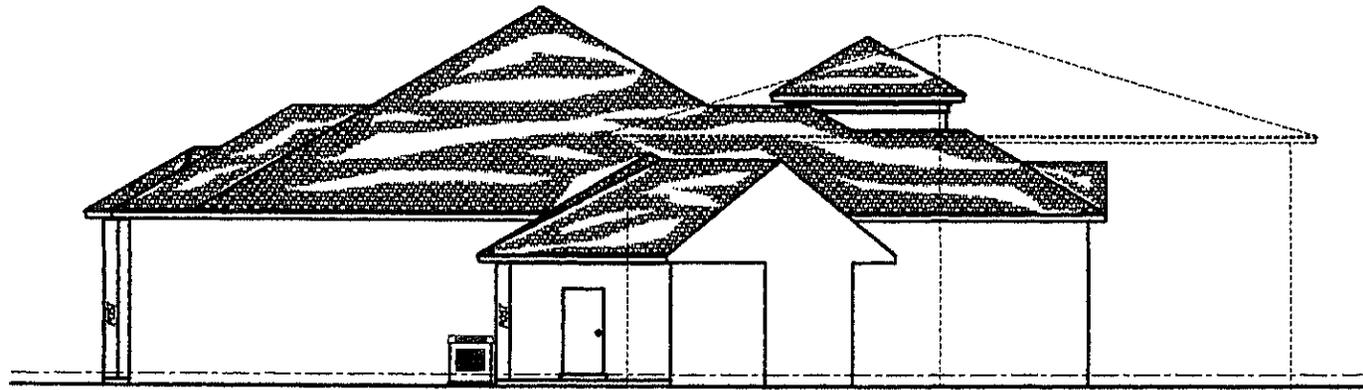
HIGHEST ELEVATION - 35 FT MAXIMUM



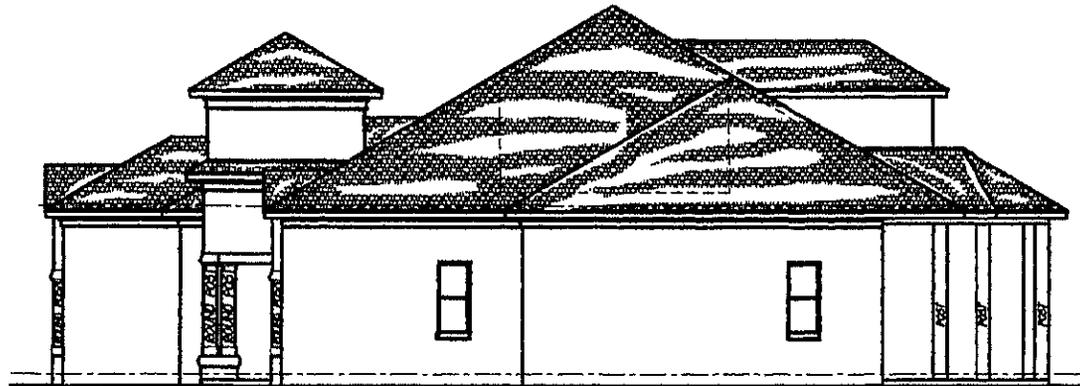
REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

LEGAL DESCRIPTION

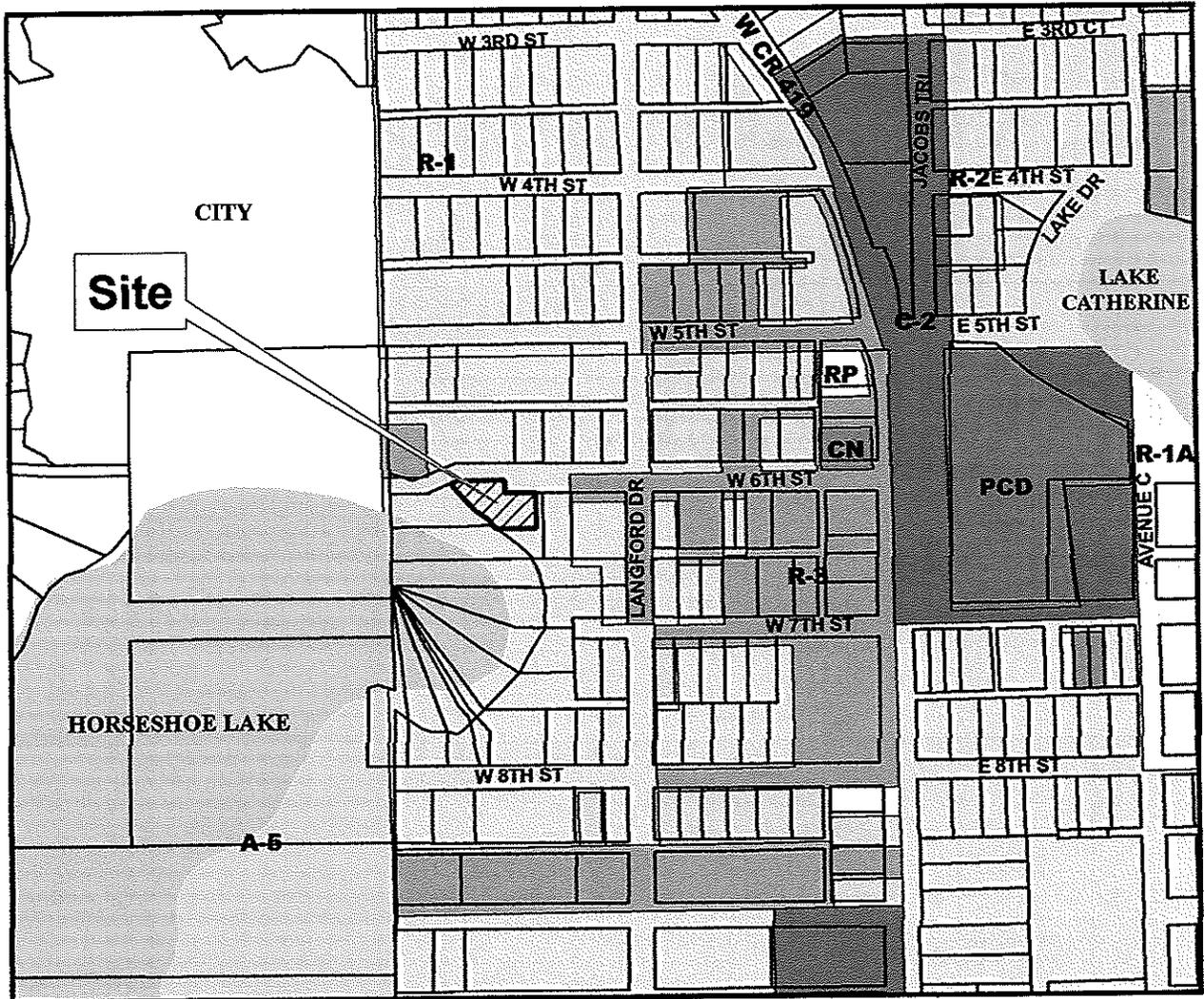
LOT 4, BLOCK 53, THE TOWNSITE OF NORTH CHULUOTA, AS RECORDED IN PLAT BOOK 2, PAGES 54 THROUGH 58, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 5 FEET, AND LESS THE EAST 20 FEET OF THE SOUTH 5 FEET AND LESS THE EAST 20 FEET OF THE NORTH 75 FEET OF SAID LOT 4, BLOCK 53, AND LESS THE EAST 20 FEET OF THE NORTH 60 FEET OF LOT 5, BLOCK 53, SAID THE TOWNSITE OF NORTH CHULUOTA, AND ALSO BEGIN AT THE NORTHWEST CORNER OF SAID LOT 4, RUN THENCE WEST TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA, SAID POINT BEING 710 FEET NORTH ON SAID WEST LINE, OF THE SOUTHWEST CORNER OF LOT 5 OF BLOCK 54 OF SAID TOWNSITE OF NORTH CHULUOTA, RUN THENCE SOUTH ALONG SAID WEST LINE 75 FEET, RUN THENCE EAST TO THE NORTHWEST CORNER OF SAID SOUTH 5 FEET OF LOT 4, RUN THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID LOT 4 TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF 6TH STREET RIGHT-OF-WAY, THE TOWNSITE OF NORTH CHULUOTA, AS RECORDED IN PLAT BOOK 2, PAGES 54 THROUGH 58, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, BLOCK 53, SAID TOWNSITE; THENCE N89°33'03"W, ALONG THE NORTH LINE OF LOTS 1-4, BLOCK 53, SAID TOWNSITE, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF 6TH STREET, RIGHT-OF-WAY WIDTH 70 FEET, A DISTANCE OF 320.05 FEET TO THE POINT OF BEGINNING; THENCE N89°33'03"W, ALONG THE NORTH LINE OF SAID LOT 4 AND SOUTH RIGHT-OF-WAY LINE OF SAID 6TH STREET, A DISTANCE OF 198.65 FEET TO A POINT ON THE ORDINARY WATER ELEVATION 38.4 FOR HORSESHOE LAKE; THENCE N54°36'05"W, ALONG SAID ORDINARY WATER ELEVATION, A DISTANCE OF 6.78 FEET TO A POINT; THENCE N68°41'19"E, A DISTANCE OF 83.93 FEET TO A POINT; THENCE S89°33'03"E, ALONG A LINE PARALLEL TO AND 35 FEET NORTH OF SAID SOUTH RIGHT-OF-WAY LINE OF 6TH STREET, A DISTANCE OF 126.26 FEET TO A POINT; THENCE S00°26'57"W, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

Thomas & Josephine Silvey
 255 W 6th Street
 Chuluota, Florida 32765

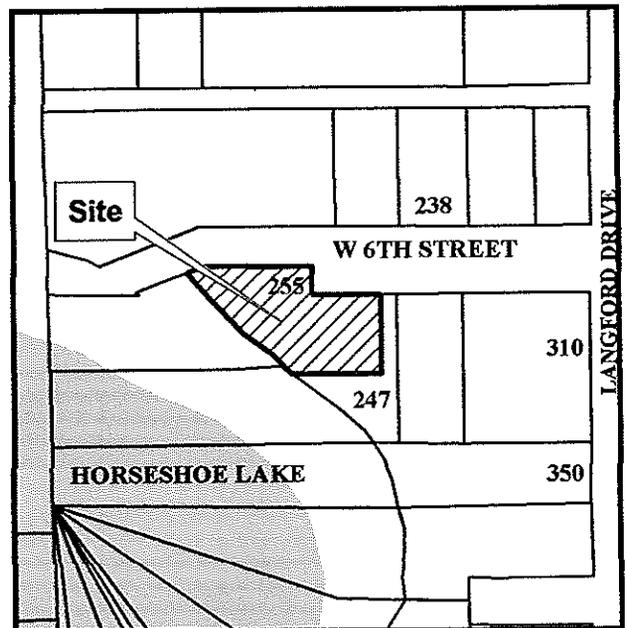


Seminole County Board of Adjustment
 December 3, 2007
 Case: BV2007-139 (Map 3214, Grid E3)
 Parcel No: 21-21-32-5CF-5300-0040

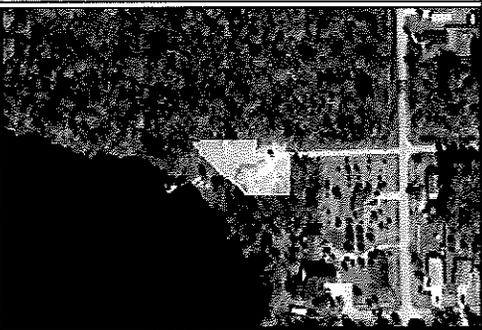
Zoning

BV2007-139	R-1B	CN
A-5	R-2	C-2
R-1A	R-3	PCD
R-1	RP I	

N



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7505	8	7	6	5	4	3	2	1	15	14	13	12	11	10	9
	40											15	14		
	W 6TH ST											15	14		
	8D 4.0 4.0 4.0											15	14		
8C 5 5 5 5 5 5 5 5 5 5 5											15	14			
8E 8.0 8.0 8.0 8.0 8.0 8.0 8.0 8.0 8.0 8.0											15	14			
8F 7 7 7 7 7 7 7 7 7 7 7											15	14			
W 7TH ST											15	14			



GENERAL

Parcel Id: 21-21-32-5CF-5300-0040
 Owner: SILVEY THOMAS N & JOSEPHINE P
 Mailing Address: 255 6TH ST W
 City,State,ZipCode: CHULUOTA FL 32766
 Property Address: 255 6TH ST W CHULUOTA 32766
 Subdivision Name: NORTH CHULUOTA
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD (2006)
 Dor: 01-SINGLE FAMILY

2008 WORKING VALUE SUMMARY

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$141,004
Depreciated EXFT Value:	\$4,247
Land Value (Market):	\$104,971
Land Value Ag:	\$0
Just/Market Value:	\$250,222
Assessed Value (SOH):	\$248,144
Exempt Value:	\$25,000
Taxable Value:	\$223,144

Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp	Qualified
WARRANTY DEED	04/2005	05722	1231	\$448,000	Improved	No
WARRANTY DEED	06/1987	01864	0769	\$125,000	Improved	Yes
ARTICLES OF AGREEMENT	10/1983	01499	1344	\$21,000	Vacant	Yes
ADMINISTRATIVE DEED	10/1981	01361	1718	\$25,000	Vacant	No

Find Comparable Sales within this Subdivision

2007 VALUE SUMMARY

Tax Amount(without SOH):	\$3,341
2007 Tax Bill Amount:	\$3,206
Save Our Homes (SOH) Savings:	\$135
2007 Taxable Value:	\$217,092

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	90	265	.000	660.00	\$81,972
LOT	0	0	1.000	100.00	\$100
FRONT FOOT & DEPTH	31.83	166.25	.000	660.00	\$22,899

LEGAL DESCRIPTION

PLATS:

LOT 4 (LESS E 20 FT) BLK 53 & VACD ST
 ADJ ON N NORTH CHULUOTA
 PB 2 PGS 54 TO 58 & 29-21-32-300-008D-
 0000 SEC 29 TWP 21S RGE 32E
 PT SHORE LI & BED DESC AS BEG NW COR
 LOT 4 BLK 53 NORTH CHULUOTA RUN W
 TO A PT 710 FT N OF SW COR
 LOT 5 BLK 54 S 75 FT E TO NW COR OF S 5
 FT OF LOT 4 BLK 53 NWLY ON W LI LOT 4
 BLK 53 TO BEG & VACD
 ST ADJ ON N

BUILDING INFORMATION

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1984	6	1,310	2,190	1,310	SIDING AVG	\$141,004	\$155,805
			Appendage / Sqft	SCREEN PORCH FINISHED / 480					
			Appendage / Sqft	GARAGE FINISHED / 400					

NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished

Permits

PLANNING AND DEVELOPMENT DEPARTMENT

PLANNING DIVISION



September 13, 2007 *Revised*

Josephine Silvey
255 Sixth Street W
Chuluota FL 32766

Re: Setbacks for properties
21-21-32-5CF-5300-0040
21-21-32-5CF-4000-0090

Dear Josephine:

This is to advise you that the zoning and future land use of the above-mentioned subject property is governed by the laws and regulations of unincorporated Seminole County, and the subject property has a Low Density Residential (LDR) future land use designation and an R-1 (Single Family Residential) and R-3 (Multi Family) zoning classification. The R-3 designation is on the underlying platted Lot 9 within the 0090 parcel, see picture below. Please note, if you wish to construct a single family on the R-3 portion (within the underlying platted lot 9), you would have to rezone that lot. Conversely, if you proposed to construct a multi-family unit you would have to do a Land-use Amendment on that portion to change the future land use to one that supports multi-family although you would likely not have staff support for such a change. It is then recommended the construction take place on the R-1 portion which would avoid any rezoning or land use amendment and also minimize wetland impacts.

Revised from original (DHG/TW 9/11/07) 21-21-32-5CF-5300-0040: The front setback for this lot is applied to the property line facing the full width Sixth Street ROW. This front setback would normally be 25 feet but we have reviewed the language of the variance that was granted in 1983 and have determined that the front yard setback variance to 20' may be applied to the new construction, please see the depiction below. The front property line adjacent to the remaining 35'-foot portion of the Sixth Street right-of-way is also considered to be a front yard for a corner lot where a 15 foot setback is applicable as a Special Yard since the adjacent remaining right-of-way serves as a pedestrian right-of-way to the lake. This 15 foot setback also applies to the corner property line which is at the end of the full width right-of-way, and facing east, as shown below. The side that faces east is considered a side yard with a setback of 7.5 feet. The side that faces south is a rear yard with a setback of 30 feet but the rear yard also received a variance from the required 30 feet to 15 feet and this variance can apply to the new structure, the measurement of which is outlined below. The waterward edge is a water's edge, side yard with the setback established as 30 feet from the mean high water line. Please note however, any non-conforming setbacks that presently exist for the existing house may not be extended without a new variance.

Sec. 30.1343. Measurement of setbacks.

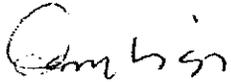
Setbacks shall be measured perpendicular to the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang except that, **with regard to rear yard setbacks, the setback shall be measured parallel with the side of the dwelling unit such that wherever the line strikes the closest property line shall be the point at which the rear yard setback is measured.** The graphic depiction set forth below relative to rear yard setbacks is hereby incorporated into this provision.

(§ 5.1023, LDC, through Supp 16; Ord. No. 97-18, § 30, 5-13-97).

21-21-32-5CF-4000-0090: This lot consists of four combined platted lots tied with a Unity of Title. Access to this property is restricted to be where the full width right-of-way remains (after the vacate of the western portion). The front setback on this lot is on the east side and is 25 feet. The side setbacks are 7.5 feet and the rear is 30 feet and as noted below.

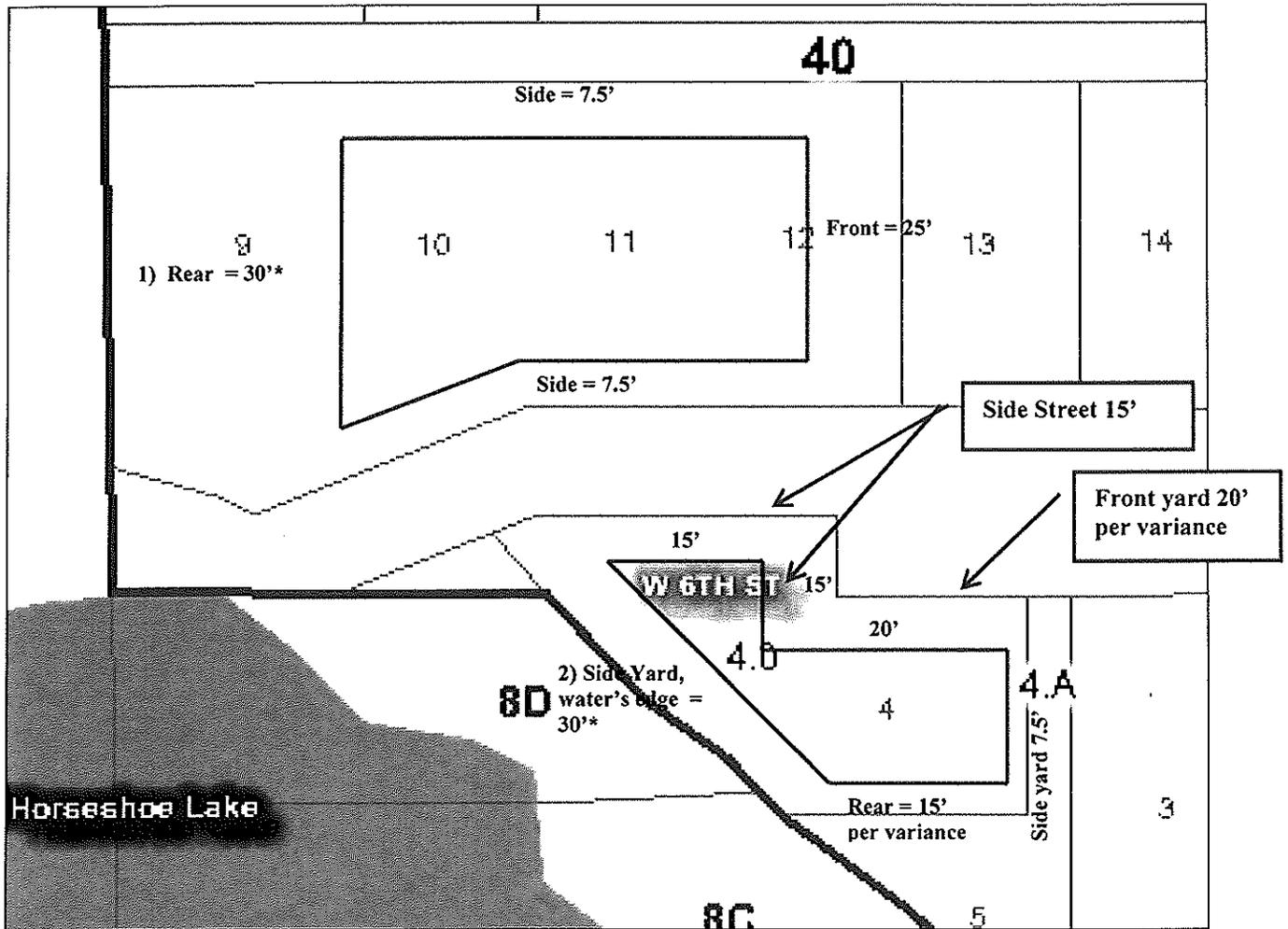
If I can be of any further assistance please contact me at (407) 665-7387.

Sincerely,



Denny Gibbs, AICP
Senior Planner

Enclosed



- 1) The rear yard on Lot 0090 is 30' from the west property line although because of the different zoning, minimum wetland impacts, etc. the realistic anticipated extent of construction would be the westerly edge of the underlying platted lot 10 (or 30' from the mean high water line, if applicable).
- 2) The waterward, side yard setback (west) for Lot 00-40 is 30' from the mean high water line.

APPLICATION FOR SETBACK VARIANCES FOR THOMAS & JOSEPHINE SILVEY
 BOARD OF ADJUSTMENTS DECEMBER 3, 2007 MEETING
 SIZED OF HOMES IN IMMEDIATE VICINITY OF LAKE

OWNERS	STATUS	PARCEL NUMBER	SQ FEET
Silvey	Vacant	21-21-32-5CF-4000-0090	In permitting , planned home 5,000 sq ft
Silvey		21-21-32-5CF-4000-0100	
Silvey		21-21-32-5CF-4000-0110	
Silvey		21-21-32-5CF-4000-0120	
Hodgson	Vacant	21-21-32-5CF-4000-0130	
Ares, II	Vacant, For Sale	21-21-32-5CF-4000-0140	FOR SALE
Cormier	Vacant, For Sale	21-21-32-5CF-4000-0150	FOR SALE
Cormier	Vacant, For Sale	21-21-32-5CF-4000-0160	FOR SALE
McCubbin	House	21-21-32-5CF-5300-0010	2544
		21-21-32-5CF-5300-0020	
Garris *	In permitting	21-21-32-5CF-5300-0030	5300
Silva	House	21-21-32-5CF-5300-004A	3724
Griffin	House	21-21-32-5CF-5300-0060	5253
Bessette	House	21-21-32-5CF-5300-006A	5995
Lewellyn	House	21-21-32-5CF-5400-0040	4120
Gurley	Vacant	21-21-32-5CF-5400-0030	
Thompson	House	21-21-32-5CF-5400-0070	4056
		21-21-32-5CF-5400-0070	
Waits	House	21-21-32-5CF-5400-0060	4012
Cassio	House	21-21-32-5CF-5400-0050	3408
Harrington	House	29-21-32-300-001D-0000	3386
No name listed	Vacant	29-21-32-300-0020-0000	
Priest	House	29-21-32-300-002D-0000	
Searcy	House	29-21-32-300-002E-0000	2828
Searcy	House	29-21-32-300-002F-0000	3171
Denelsbeck	House	29-21-32-300-002B-0000	5236
Burleson	House	29-21-32-300-002C-0000	8015

Picture*

YES

N/A

YES

YES

YES

YES

N/A

YES

YES

NO

YES

N/A

YES

YES

YES

YES

PICTURES FORWARDED TO DENNY GIBBS
 IN KODAK GALLERY SLIDE SHOW
 WWW.KODAK.COM (IN SEPARATE e-mail notification)

Mrs. Randi Ugarte Silva
2324 Pinebrook Court
Oviedo, FL 32765

September 20, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040, Chuluota, FL

To whom it may concern:

I am the owner of lot 5 next to the subject property. My husband and I are currently building our house on lot 5, which is located on the lake next to the Silveys (Lot 4).

Background:

The Silveys made an offer to buy several lots contingent upon the sellers (Yates) joining lots 3 and 4, which were separated by the driveway to my lot 5. The existing home on lot 4 is very small, having been used as a weekend retreat.

Somehow, Mr. and Mrs. Yates, the previous owners of lot 4, made a mistake, taking more land than was originally understood. I did not realize this when I signed the quitclaims. Although the amount of land involved was not large, it did however, make a difference of being able to build or not.

The mistake came to light when my husband and I hired a surveyor prior to building our house in August of 2005. Discussing this situation with the Silveys, they never hesitated to return the driveway (and additional land) to its initial location knowing that this decision would make it more difficult to build their own home. The Silveys agreement to buy the Yates' property was contingent upon lot 3 and 4 being joined. The Silveys are now subjected to the impact of having returned the land and losing the current variances on the existing house to build their new home.

My husband and I would be very pleased to support the variance requested by the Silveys should the Board of Adjustments decide to grant them.

Sincerely,



Mrs. Randi Ugarte Silva

Mr. and Mrs. Brian Garris
1378 Twin Rivers Boulevard
Oviedo, FL 32765

September 20, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040, 255 West 6th Street, Chuluota, FL

To whom it may concern:

My wife and I live in the Riverside Development and are in the process of building a house next to the Silvey's on lot 3. We are planning to build a 4,000 sq ft two-story home with a two-car garage, that will accommodate our family of five and aging parents when the time comes.

We are aware of the history involved in lot 4. We would like to express our support for the Silvey's request. We hope that the board of adjustments would consider their hardship and grant them the requested variances.

Respectfully yours,



Mr. Brian Garris

Kenneth Thompson
250 West 8th Street
Chuluota, FL 32766
407-366-1261

September 21, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040 Lot 4, 255 West 6th Street,
Chuluota, FL

Gentlemen:

I own a house on Horseshoe Lake just a few houses down from the Silveys (lot 4) on West 8th Street. From my dock I view the Silveys property.

The Silveys informed me that they are applying for setbacks variances because they ran into some issues during the design process of their new house. It seems these issues could be resolved if the same variances that were granted to the existing house could be approved for the new house as well. Their property rights must be preserved.

I would like to express my support of the variance application the Silveys have submitted to the county. I hope that the Board of Adjustments would consider their hardship and grant them their request. The change would upgrade the existing property and bring it into conformity with the other homes on the lake. All efforts to improve the character of the lakefront properties should be encouraged. They deserve this consideration. Their property rights should be maintained.

Please call me at: 497-366-1261 if I can be of any assistance in helping the Silveys obtain their variance.

Most sincerely,



Kenneth Thompson
407-366-1261

Mr. and Mrs. Donald Llewellyn
260 Langford Drive
Chuluota, FL 32766

September 21, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040
Lot 4, 255 West 6th Street, Chuluota, FL.

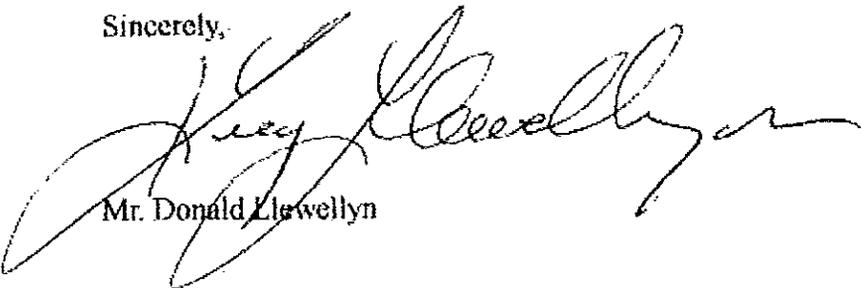
To whom it may concern:

My wife and I owned a house on Horseshoe Lake just a few houses down from the Lot 4

The Silveys informed us that they are applying for setbacks variances because they ran into some issues during the design process of their new house. It seems these issues could be resolved if the same variances that were granted to the existing house could be approved for the new house as well.

We would like to express our support of the variance application the Silveys have submitted to the county. We hope that the Board of Adjustments would consider their hardship and grant them their request.

Sincerely,


Mr. Donald Llewellyn

Mr. and Mrs. Joseph Cassio
280 West 8th Street
Chuluota, FL 32766

September 21, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040
Lot 4, 255 West 6th Street, Chuluota, FL

To whom it may concern:

My wife and I owned a house on Horseshoe Lake just a few houses down from the Silveys (Lot 4).

The Silveys informed us that they are applying for setbacks variances because they ran into some issues during the design process of their new house. It seems these issues could be resolved if the same variances that were granted to the existing house could be approved for the new house as well.

We would like to express our support of the variance application the Silveys have submitted to the county. We hope that the Board of Adjustments would consider their hardship and grant them their request.

Sincerely,



Mrs. Joseph Cassio

Mr. and Mrs. Mark Bessette
240 West 7th Street
Chuluota, FL 32766

September 20, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040
Lot 4, 255 West 6th Street, Chuluota, FL

To whom it may concern:

My wife and I live on Horseshoe Lake just a few houses down from the Silveys (Lot 4). We have lived here for a number of years and knew the previous owners of lot 4 (Mr. and Mrs. Yates) very well. We met the Silveys shortly after they moved into the house in May 2005.

The Yates vacationed on the Horseshoe Lake about a month each year. When they were out of town, I often acted on their behalf to have work done on their house, that is the reason I know the property so well.

The Silveys informed us that they are applying for setbacks variances because they ran into some issues during the design process. The Silvey were not aware that variances were granted on the existing house until they received a letter from the Planning Department. The letter was in response to a setback query that the house designer requested Mrs. Silvey to check out with the county.

The Silveys have experienced many difficulties with lot 4; we hope that the Board of Adjustments would consider their hardship and grant them their request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Bessette", with a long horizontal flourish extending to the right.

Mr. Mark Bessette

Mr. and Mrs. James Gurley
677 Benitawood Court
Winter Springs, FL 32708

September 21, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040 (lot 4)
For Mr. and Mrs. Thomas N. Silvey, Chuluota, FL

To whom it may concern:

My wife and I own a lot on Horseshoe Lake just a few lots down from Mr. and Mrs. Silvey. We know the residents of the community very well, and intend to build a house there in the near future.

Mr. Silvey informed me that he is applying for setback variances for his proposed new house because they ran into some design issues that cannot be resolved within the guidelines. I was informed that there are variances on the existing house, and that the Silvey's issues would be resolved if the same kind of variances were issued for their new house.

My wife and I do not have any problems with the county extending these variances to the Silvey's new house. We hope the Board of Adjustments would consider granting them as requested. We appreciate your time and consideration in this matter.

Sincerely,

Jim and Ruth Gurley

Mr. and Mrs. William Waits
280 West 8th Street
Chuluota, FL 32766

September 21, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040
Lot 4, 255 West 6th Street, Chuluota, FL

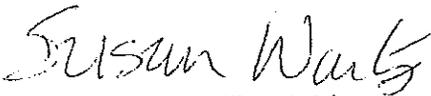
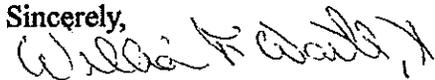
To whom it may concern:

My wife and I own a house on Horseshoe Lake just a few houses down from the Silveys (Lot 4).

The Silveys informed us that they are applying for setbacks variances because they ran into some issues during the design process. It seems these issues could be resolved if the same variances that were granted to the existing house could be approved for the new house as well.

We would like to express our support of the variance application the Silveys have submitted to the county. We hope that the Board of Adjustments would consider their hardship and grant them their request.

Sincerely,



Mr. and Mrs. William Waits

Ms. Lee Harrison
310 West 8th Street
Chuluota, FL 32766

September 21, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040
Lot 4, 255 West 6th Street, Chuluota, FL

To whom it may concern:

I own a house on Horseshoe Lake not far from where the Silveys reside. My daughter and I have lived there for a number of years and are very familiar with all the properties on the lake and the residents as well.

The Silveys informed me that they are applying for setbacks variances because they ran into some issues during the design process for their new house. It seems these issues could be resolved if the same variances that were granted to the existing house could be approved for the new house as well.

I would like to express my support of the variance application the Silveys have submitted to the county. I hope that the Board of Adjustments would consider their hardship and grant them their request.

Sincerely,

Lee Harrison

Charles and Judith Griffin
350 Langford Drive
Chuluota, FL 32766
407-359-7447

October 10, 2007

Seminole County Board of Adjustment
1102 East First Street
Sanford, FL 32771

**Subject: Variance Application for lot 21-21-32-5CF-5300-0040 (lot 4)
For Mr. and Mrs. Thomas N. Silvey, Chuluota, FL**

To Whom It May Concern:

My husband and I own a home on Horseshoe Lake just a few houses from Mr. and Mrs. Thomas Silvey. We know the property well as we have owned our home in Chuluota for 17-years.

Mr. Silvey informed me he is applying for setback variances for his proposed home as a result of issues that cannot be resolved. I understand there are variances on the existing house that if granted to the new house would resolve the issue.

Both my husband and I do not have any objections with issuing setback variances for the new house on lot 4. We hope the Board of Adjustments would consider granting the variances requested by Mr. and Mrs. Silvey.

Respectfully,


Judith A. Griffin

Charles and Judith Griffin
350 Langford Drive
Chuluota, FL 32766
407-359-7447

October 10, 2007

Seminole County Board of Adjustment
1102 East First Street
Sanford, FL 32771

**Subject: Variance Application for lot 21-21-32-5CF-5300-0040 (lot 4)
For Mr. and Mrs. Thomas N. Silvey, Chuluota, FL**

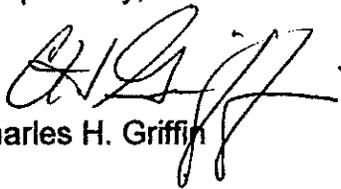
To Whom It May Concern:

My wife and I own a home on Horseshoe Lake just a few houses from Mr. and Mrs. Thomas Silvey. We know the property well as we have owned our home in Chuluota for 17-years.

Mr. Silvey informed me he is applying for setback variances for his proposed home as a result of issues that cannot be resolved. I understand there are variances on the existing house that if granted to the new house would resolve the issue.

Both my wife and myself do not have any objections with issuing setback variances for the new house on lot 4. We hope the Board of Adjustments would consider granting the variances requested by Mr. and Mrs. Silvey.

Respectfully,


Charles H. Griffin

Ms. Sylvia McGubbin
310 Langford Drive
Chuluota, FL 52766

Attachment 9, Page
Letters of Support

September 20, 2007

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Subject: Variance Application for lot 21-21-32-5CF-5300-0040
255 West 6th Street, Chuluota, Fl 32766

To whom it may concern:

I am a neighbor of Mr. and Mrs. Silvey and I would like to express my support for the variance application presented to the Board of Adjustment. I am very familiar with the property having lived here some 23 years and knowing the previous owners.

All the waterfront houses on Horseshoe Lake have the back of their houses facing the lake, and their front facing the street. In fact, there is a house under construction next door to the Silvey's (lot 5) situated in this manner.

I am aware that variances were granted on the existing house and the Silveys need similar variances for their proposed new house. Certain areas in Chuluota are in terrible need of improvements, and their proposed home would benefit the neighborhood by maintaining, if not improving, property values of adjacent properties and bringing in additional tax revenue.

Sincerely,



Mrs. McGubbin

Cc: Mr. and Mrs. Thomas N. Silvey
Ms. Denny Gibbs, Seminole County Planning Department

Mr. and Mrs. Thomas N. Silvey

255 W. 6th Street, Chuluota, FL 32766

Home: (407) 977-5936, Mobile: (321) 948-3549, Fax: (407) 977-3776

e-mail: joeysilvey@bellsouth.net

November 8, 2007

Ms. Denny Gibbs
Seminole County, Planning Department
1101 East First Street
Sanford, FL 32771

Dear Ms. Gibbs:

Subject: Variance Application for lot 21-21-32-5CF-5300-0040

Reference: December 3, 2007 Board of Adjustments Meeting

The following attachment represents a summary of the hardship case presentation supporting our application for setback variances for the subject property owned by Mr. and Mrs. Thomas N. Silvey.

Mr. David Tollman, Diversified Design Construction, Inc., will be representing us at the December 3 BOA meeting. Please let me know if I can be of further assistance.

Sincerely,

Signed electronically to avoid delay

Joséphine P. Silvey

CC: Mr. David Tollman, Diversified Design Construction, Inc.
Mr. Thomas N. Silvey

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 3, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 4 (LESS E 20 FT) BLK 53 & VACD ST ADJ ON N NORTH CHULUOTA PB 2 PGS 54 TO 58 & 29-21-32-300-008D-0000 SEC 29 TWP 21S RGE 32E PT SHORE LI & BED DESC AS BEG NW COR LOT 4 BLK 53 NORTH CHULUOTA RUN W TO A PT 710 FT N OF SW COR LOT 5 BLK 54 S 75 FT E TO NW COR OF S 5 FT OF LOT 4 BLK 53 NWLY ON W LI LOT 4 BLK 53 TO BEG & VACD ST ADJ ON N

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Thomas & Josephine Silvey
255 West 6th Street
Chuluota FL 32766

Project Name: West 6th Street (255)

Requested Development Approval:

Request for 1) a front yard setback variance from 20 feet to 15 feet and 2) a rear yard setback variance from 15 feet to 7.5 feet for a proposed single story home in R-1 (Single Family Dwelling District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variance granted will apply only to the house as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Dori L. DeBord
Planning & Development Director

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: